

AO 246 (Rev. 9/96)

Boston UNITED STATES DISTRICT COURT Mass
~~District of~~ Mass Texas

Alfredo Soto Aritia
Appellant ~~Plaintiff~~

v.

See Court Records As To
Appellee ~~Defendant~~

JUL 22 2004

APPLICATION TO PROCEED
 WITHOUT PREPAYMENT OF
 FEES AND AFFIDAVIT

NO. 04-5663-U.S.A. -v- Aritia
 USDC - No. 3-02 CR-1007-ack
 CASE NUMBER: DB
 3-04-CV-166-DB

I, Alfredo Soto Aritia declare that I am the (check appropriate box)

☐ petitioner/plaintiff/movant

☒ other Appellant

in the above-entitled proceeding; that in support of my request to proceed without prepayment of fees or costs under 28 USC §1915 I declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief sought in the complaint/petition/motion. Appeal on Court Records, No Brief/Unders

In support of this application, I answer the following questions under penalty of perjury. Counsel Appointed

1. Are you currently incarcerated? ☒ Yes ☐ No (If "No," go to Part 2)

If "Yes," state the place of your incarceration F.M.C. Derens

Are you employed at the institution? Yes Do you receive any payment from the Yes

Attach a ledger sheet from the institution(s) of your incarceration showing at least the past six months' transactions.

2. Are you currently employed? ☒ Yes ☐ No

a. If the answer is "Yes," state the amount of your take-home salary or wages and pay period and give the name and address of your employer. F.M.C. Derens, See Prison Rec.

b. If the answer is "No," state the date of your last employment, the amount of your take-home salary or wages and pay period and the name and address of your last employer.

3. In the past 12 twelve months have you received any money from any of the following sources?

- | | | |
|---|---|--|
| a. Business, profession or other self-employment | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| b. Rent payments, interest or dividends | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| c. Pensions, annuities or life insurance payments | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| d. Disability or workers compensation payments | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| e. Gifts or inheritances | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| f. Any other sources | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

If the answer to any of the above is "Yes," describe, on the following page, each source of money and state the amount received and what you expect you will continue to receive.

FILED
CLERK'S OFFICE
2004 JUL 22 A 12:45

United States District Court
 John Joseph Moakley Courthouse
 Courthouse Way, Suite 2300
 Boston - Ma., 02210-3002

Alfredo Sato Avitia | No. 04-5663-U.S.A.-V-Avitia
 Appellant | USDC, No. 3:02 CR-1007-All-DB
 VS | 3-04-CV-166-DB
 As Related of Court Records

Motion For Leave To Proceed on appeal in
 Forma Pauperis.

Now comes, Alfredo Sato Avitia, Appellant,
 who himself, prose respectfully moves the
 court to allow him to proceed in forma pauperis
 on appeal in the above case.

Herewith is Appellants, Application To
 Proceed Without Prepayment of Fees And Affidavit
 Further herewith is a computer print out of
 Appellants prison trust fund for the past six
 months.

Further herewith is a court of appeals letter
 to appellant, dated July 12th, 2004 which
 was received on July 16th, 2004

Send the appeals court a copy of this motion and
 all attaches thereto, etc. Therewith, Herewith.

Signed, ALFREDO SATO AVITIA, 7-16-04
 Reg. No. 47825-080

04-50663

Mr Alfredo Sato-Avitia
Federal Medical Center
Devens
#47825-080
42 Patton Road
PO Box 879
Ayer, MA 1432

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

CHARLES R. FULBRUGE III
CLERK

TEL. 504-310-7700
600 CAMP STREET
NEW ORLEANS, LA 70130

July 12, 2004

Mr Alfredo Sato-Avitia
Federal Medical Center
Devens
#47825-080
42 Patton Road
PO Box 879
Ayer, MA 1432

No. 04-50663 USA v. Sato-Avitia
USDC No. 3:02-CR-1007-ALL-DB
3:04-CV-166-DB

Dear Appellant:

We have docketed your appeal. You should use the number listed above on all future correspondence.

You should carefully read the following sections.

Filings in this court are governed strictly by the Federal Rules of Appellate Procedure, **NOT** the Federal Rules of Civil Procedure. We cannot accept motions submitted under the Federal Rules of Civil Procedure. We can address only those documents the court directs you to file, or motions filed under the FED. R. APP. P. in support of the appeal. See FED. R. APP. P. and 5TH CIR. R. 27 for guidance. Documents not authorized by these rules will not be acknowledged or acted upon.

Court Fees

You must pay a filing fee for your notice of appeal unless the district court has entered an order exempting you from paying the fee under FED. R. APP. P. 24. The \$250.00 Court of Appeals docketing fee and the \$5.00 district court fee are due within 15 days from this date. Both fees must be paid to the clerk of the district court, but you must notify us when you pay the fees. If you do not pay both fees, or file a motion with the district court for leave to appeal **In Forma Pauperis** under FED. R. APP. P. 24, we will dismiss your appeal without further notice, see 5TH CIR. R. 42.3.

Sincerely,

CHARLES R. FULBRUGE III, Clerk

By: L. Conrad / jmm
Lisa Conrad, Deputy Clerk
504-310-7697

/jmm

cc: Mr Joseph H Gay Jr

DKT-6

NOTICE

EFFECTIVE 5/5/04

You may contact the Appellate Voice Information System at (504)310-8514 for deadlines and the status of cases docketed beginning in 1995; or, you may dial (504)310-7700 for answers to non-specific questions. You may also visit the 5th Circuit Web Site at www.CA5.UScourts.gov for current docket information.

Should you need to speak to a deputy, please call (504)310 and enter that individual's four digit direct number as listed below.

Your contact persons for the Northern and Western Districts of Texas for cases ending in even or odd numbers are as follows:

Extension requests and status inquiries (case open):

Cindy Tyler	- Odd cases	- #7695
Mary Frances Noveh	- Even cases	- #7686

For motions, petitions for rehearing, requests for records or exhibits, receipt of appearance forms:

Trashell McCoy	- Even cases	- #7667
Val Spencer	- Even cases	- #7715
Lisa Conrad	- Odd cases	- #7697

Issuance of orders:

Debbie Kranz	- Even cases	- #7698
Mary Stewart	- Odd cases	- #7694

For inquiries on pro se prisoner appeals:

Tom Rodwig	- Even/Odd cases	- #7678
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For filing of briefs, records, record excerpts, exhibits and issuance of mandate the contact persons are as follows:

	<u>Cases ending in:</u>	
Renee McDonough	1	#7673
Margery St. Pierre	2	#7676
Jerome Anderson	3	#7693
Dawn Victoriano	4	#7717
Tim Beckstrom	5	#7653
Whi'Sheika Chissell	7	#7687
Rhonda Ferrara	8	#7703
Rotated	6, 9, 0	